**HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.NO. 1914 OF 2006**

**DATED: 23.2.2006**

Between:

Surender Kumar Duggar and others

… Petitioners

and

K. Srinivas and another

… Respondents

**HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.NO.1914 OF 2006**

**ORDER:**

On the basis of a complaint by the 1st respondent, treated as a private complaint and directed to be registered by the II Metropolitan Magistrate, Cyberabad,

the 2nd respondent has registered FIR No.3 of 2006 and is proceeding to investigate.

Seeking quashing of the FIR and interdiction of investigation into the matter, the writ petition is filed.

The complaint of the 1st respondent is that the petitioner-accused and others approached the 1st respondent to sell the properly of Ac.1.26 guntas of Jalpally village and after conveyance of the property by registering of sale deeds by the 1st respondent, the accused reneged on payment of the sale consideration and thereby cheated him apart from committing a criminal breach of trust. It is also alleged that the petitioners had threatened the complainant with dire consequences and abused him in foul language.

On behalf of the petitioners inter alia it is contended that there are number of pending civil suits between the parties in respect of the same alleged transaction and that the complaint does not set out any dates or other specific particulars regarding the alleged threat by the petitioners. No other particulars are also vouchsafed for enabling an investigation into the complaint and continuing the investigation would be an abuse of the process of law, in the circumstances, is the contention.

The complaint of the 1st respondent taken as it is and assumed to be true for the nonce does appear prima facie to make out an allegation of cheating. Whether there was any offence committed by the petitioners is a matter to be disclosed at the investigation.

In the considered view of this court, no case is made out for interdicting the investigation nor is there any executive perversity in the registering of the complaint.

The Writ Petition is dismissed. No costs.

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**GODA RAGHURAM, J**

**Date: 23.2.2006**

cvm